INTERESTING FROM MEXICO.

Why the Treaty was not Finally Closed-Exaustion of Mexican Parties—Breaking up of the Tehuantepes Company-Americans Not Expelled from Senera Hopes of A of Aid

ke.,

OUR VERA CRUZ CORRESPONDENCE.

Vera Crox, Sept. 1, 1859.

No Arrangement with President Juarez-Effect of Mr. M. They Raise Money—Its Operation on Trade—Mr. Otway Will Not Go Home—Will a War with the United States

Ensue? dc. I can only briefly state that Mr. McLane goes home by this opportunity, having failed to arrange a treaty at all. Such a piece of stupidity on the part of the liberal government of this republic will hardly be credited, but, never-theless, it is true. If he had asked for a sale of territory you might suppose that such had been an obstacle; but no such thing. He offered the assistance of our govern-ment on the most liberal terms, all of which were re-

greeable subject, and it proves clearly that the present government differs from the former one, being composed of honest people; but lacking, on the other side, all energy, and not having the moral courage to admit foreign aid on

The moral effect of Mr. McLane's withdrawal will be immense, and nothing would have been of greater advan-tage to the church party. They are without means, without soldiers, and reduced to the last degree; but this shortsightedness—not to call it reason—to their party, of the liberal government, will set them up again. To what extremities they were driven you may judge by their withdrawing their forces from Jalapa and Orizaba, and nearly giving in; but by this supreme act of stupidity they

withdrawing their forces from Jalapa and Orizaba, and nearly giving in; but by this supreme act of stuplicity they will recover.

The liberal party never has had a more sincere friend than Mr. McLane; but it appears that they are doomed, and so they let him go. There is not a foreigner nor a Mexican of common sense who thinks otherwise, and their most enthusiastic friends turn against them.

This is utter ruin to commerce, agriculture and all other branches, of which I will give you a small example: On cochineal, which was always free of duty, Mr. Cobos imposed a tax of \$1 per bale six months ago, and everybody resisted and clamored. Now he has put on \$22% per bale. On foreign goods sent to Oajaco he had charged so far ten per cent on import duties: he collects now, thirty per cent at Cordova, eight per cent at Tehnacan, and seventy-five per cent at Tecotitlan—say 113 per cent in all—trying even to confiscate such goods. Such things will not be credited; but Mr. McLane is convinced that what I state is true.

Will there be help for merchants, although this government foolishly refuses it—or will it be allowed to look on whilst every merchant is ruined? Importations of American citizen must leave the country now, leaving his fortune behind him. However, these things are not understood in our country, and I am afraid never will be, and nobody will rejoice more than the European Powers, who will be the ruing masters again, when they had given up even to have a vote in the matter.

Mr. Otway may intrigue and degrade the English nation again at his pleasure, although he had orders in the most positive manner to avail of his leave of absence, but he does not choose to do so.

Degollado, Zunzua and others will be entirely disheartened by such stupidity exhibited here, and Lerdo must cut a nice figure in our country, where he though that millions would be raining down upon him; and if he did not get a cent at the beginning, how will people soof at him after Mr. McLane's departure!

It is a pity, but there is no help fo

If Mr. Buchanan could be persuaded that the plain and

clear remedy is to declare war, nothing would be lostthe troops would put the liberal government on its pins,
all outrages and war expenses would be paid, and England and France would thank us into the bargain—so
much so that the advantages falling into our hands would
be enormous.

be enormous.

If, however, Mr. Buchanan puts up with the unwise
sum of violation of treaties, confiscations, illegal taxes,
and what is worse, wholesale assassinations, all that can
be said is, that he deserves the execration of the whole

nation.

To declare war is the only remedy, the liberal party will not object; we will have a clear reckoning, with small expense (which will be paid), and European I owers will hall such a measure with delight. However, this is preaching in a desert, and I am too much disgusted to The mails from the north, east and west represent the

The mails from the north, east and west represent the country to be quiet, with the exception of the entensive preparations making for the new campaign.

Monsieur Gabriac, Minister of France in Mexico, has discovered that Miramon belongs to an old French family—Viscount de Mirmont. Gabriac is ahead of the Irish this time, for they would have claimed Miramon if he had done anything startling.

Madame Miramon has blessed her ford with an heir, and the little fellow was baptized in the Grand Cathedral of Mexico on the 18th ult. with great ceremony.

A sacrilegious friar has been arrested in Oajaca in the act of stealing the jewelry from the image of the Virgin.

positions have been made to Miramon to call in the eight or ten thousand Spaniards, provided the libeand of eight of the thousand spannarus, provided the noe rais call in the Americans.

The receipt of arms and ammunition from the Eastern States and from California are constantly being acknow

States and from California are constantly being accounted by the liberals.

A letter from Mexico says that Miramon has an understanding with the Church by which he is to receive \$2,000 per day for the subsistence of his army.

"Three Years in the United States" is the name of a new book just published at Vera Cruz, and which is said to be excellent reading.

OUR TEHUANTEPEC CORRESPONDENCE. MINATITLAN (Mexico), Sept. 1, 1859 Tchuantepec Company on Its Last Logs—Mignanagement from Head to Foot—Revelations—Gold on Mishmus— Indian Mounds Similar to those of Chiriqui—Nors from

Oujaon-Disturbances on the Isthman, ac., de.

The wreck of the Tehnantepec Company is slowly making its way, in detached fragments, to the sea. Mr. Sidell left here on the 1st of August, and now the individuals he left in charge of the central office are here. Capt. John son, of the engineers, came down to this place several days ago, having been driven out of Chivela by the offl cers of the law from Juachetan. All the property, provisions, tools, engineers' implements, and in fact everything belonging to the company, was levied upon. Capt. Johnson goes home in this steamer. Every me, woman and child—be he officer, friend or enemy of the Tehuantepec Company-reiterate but one story, that the most outrageous mismanagement has pervaded every department of the service, and that in some cases the property and money of the company of the concern have been stolen and publicly gambled away. At present there must be ten or twenty thousand dollars worth of company property going to ruin for want of shelter, while scores of idle loafers have been hired on the line to eat up its substance and detract from its merits.

We have many rumors here as to changes in the charter, but at present published definition is known.

and detract from its merits.

We have many rumors here as to changes in the charter, but at present nothing definite is known. It is to be hoped the route will be taken care of, and that it will at last come under a management capable and honest. Until some change is made in its arrangement and direction, money is but thrown away which is sent here to be invested in improving the road, or in fact anything clae. Under the existing order of things the mails can be carried with rapidity, but nothing can be done in the way of passengers. Are our managers under the pay of the Pacific Mail Steamship Company?

It is stated that the houses of Hargous & Co. and Jecker & Co. have coalesced to make a purchase of the route, for the purpose of hurrying the work to something of a completion, as, under the laws, Mr. Jecker would not be admitted to any very considerable participation in the steamships. I think this report erroneous, unless it has reference solely to the Transit route. In the event that trade should be effected, would France not acquire dangerous rights on this Isthmes, and would not the Isthmus matters be most seriously complicated?

A party of miners started from here some days since to work the gold mines in the Central Mountains, near Chivela. In conversation with one of the med he said that he had worked these mines with good success before, but this owing to the want of water in the dry season he was forced to abandon them.

As the Chirjoul mines, or rather exhumations, seem to be creating and content the contral down the saids allow the contral house and the contral had be creating to the want of water in the dry season he was forced to abandon them.

but that owing to the want of water in the dry season he was forced to abandon them.

As the Chriqui mines, or rather exhumations, seem to be creating some excitement throughout the State, allow me to draw attention to the same character of mounds and tunnil here as are said to excel there. It is also a tradition among the Indians hereabouts that their people were commanded to bury their gold after the codquest of the country, under the proplesy or assurance that they should come back and onjoy it after the Spaniards had been driven from the country. In old German resident of this place says that an Indian never takes american money into the country, but invariably changes it may Spanish coin, and afterwards it is haver seen unless extracted for taxes. This is a good argument in favor of the idea that the tomail hereabouts are as wealthy as those in New Granada.

Many persons during the last week have been out to Jalipan, where there is a state or mound said to have been built two hundred and fifty years ago in honor of Malinche, the famous nighters of Curtez.

The Tolisantinger road roas for their miles through the criginal great hade by the crown of Spain to Cortez, which is show graned by a very wealthy Spanish of near Christia.

By a Private letter from Charies & Mobster, United

which is easy toward by a very weathly spani(hireda.

By a private letter from Craries & Wobstel
Stator Consul in Trinosappe, I han the following
tions of the condition of adars on the other as
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towar, and this farrines in tole-also duchees
towar, and this farrines in the country. Last, we stage from Tehuantepec to Rio Almeders was put
four Indians, armed with misskits but as the
good we madigate to earlie in the awage. In
follow, we are living here in worse than a rate of
for if we mare allowed to be in that conduct or

from Minatitian to the mouth of the river. The present intelligent Collector of the port, Senor Cito, is opposed to the project altogether.

Great preparations are making for the colebration of the approaching ambiversary of Mexican Independence, on the 16th, in Vera Crux, Minatitian, and everywhere else. More than usual attention is to be paid to the matter this year.

year.

From Oajacs I learn that a contribution of \$100,000 has been levied by the Governor to provide for the defence of the town against the anticipated invasion of General Cobos. Fortunately for the majaconse, the matter is at an end by the breaking down of Cobos.

Colonel Bruno You Natzmer, well known as the shadow of General Walker, is here; and report says that he has been offered a commission in the Mexican service. Where is the gray-eyed man?

OUR SONORA CORRESPONDENCE.

GRAYMAN, July 28, 1859.
Americans Not Ordered Out of the Country—Stone's Party—
Effect of the Departure—Feeling of the People and Authorities—No Consuls on the Coast—American Interests
Flagging—No Protection—Steamer Santa Crus—Ship

Telegraphic despatches to the New York papers conimaginable, particularly when they refer to this part of

May, to this effect:-" All Americans in Hermosillo and Guaymas had been ordered to leave under the penalty of death." This is simply absurd, and can only be accounted for by the fact that it was about this time Capt Stone's party was ordered to cease operations and leave the country. No one here pretends to say that the expulsion of Capt. Stone oma-nated from animosity or ill feeling towards the Americans. You understand, and so do most of your readers, the question at issue between the employers of Capt. Stone and the authorities of Sonora. It is purely a question between the supreme government of Mexico and that of the local government of the State, in which the rights and interests of Americans generally were not in the least effected. Capt. Stone personally, or any member of his party unconnected with this particular expedition, simply as an American citizen, would be as warmly and as hearth received in any part of Sonora as a man could wish. Your correspondent has been here at Hermo

received in any part of Sonora as a man could wish.

Your correspondent has been here at Hermosillo, Urcs and other portions of Sonora, on a flying visit for a few days; has had interviews with Gov. Pesquiera and other authorities of the State; has mixed with the people, heard their talk, heard their sentiments, and in but one single instance did he hear the American name reflected upon or disparaged in the least degree. The departure of the surveying party from this city, however, has left a painful vacuum, and none regret their absence more than the Mexicans themselves. Four thousand dollars a month scattered through a small town like this was quite an item; and its sudden withdrawal is felt severely by all classes.

Business continues very dull, owing principally to the Indian difficulties. The Opotas and a portion of the Yaquis have been causing much trouble through the State, particularly in the neighborhood of San Antonia. Under the leadership of one of their boldest chiefs they have been committing depredations of the most daring and cruel character.

Governor Pesquiera sent out a force a few days since, which encountered the Indian near the village of San Antonia, when a terrific battle was fought, in which upwards of two hundred of the savages were killed. Another foray will be made against them, and every exertion made to exterminate the whole tribo. They are very bold and troublesome.

The few wandering Americans that are here are filled with wailings and complaints at the absence of any consular or other protection. Judge Rose, the newly appointed Consul, resigned his post before he received his commission and cut stick for Toxas. The United States, for the want of proper agents of government, do not increase, while the English and French, from the protection afforded them by their respective government, do not increase, while the English and French, from the protection afforded them by their respective government, a terminant at the absence of an all title lately, but unfortunately, she is not a he

for the want of proper agents of government, do not increase, while the English and French, from the protection afforded them by their respective governments, are gradually making headway.

The American steamer Santa Cruz has been helping us a little lately, but, unfortunately, she is not a permanent institution on our coast. She leaves to-day for Mazatlan, thence to San Francisco.

A splendid business is open for a proper steamer on the coast here, to run from this port to Manzanilla, touching at all the intermediate places and connecting at Manzanilla with the Pacific Mail Steamship Company.

The richest part of Mexico is here closed from the want of some regular communication with the world.

Besides one steamer, we have in port the American bark Palmetto, leading for Callao, and the American schooner Pontice, from San Francisco.

Land speculations are brisk throughout the State, especially in this city, in anticipation of its cession or purchase by our government. The news from Washington is sought after here with the greatest avidity, though nothing reliable or satisfactory is ever received; still we keep on, hoping for the good time to come.

NEWSPAPER ACCOUNTS.

It was reported in Vera Cruz that Miramon had called a junta at the capital, to appoint a Vice President (sustituto), as he himself contemplated taking the field in the north against the forces of Degollado.

It was supposed Robies would be appointed Vice President.

dent.

The reports from the liberal army of the north were encouraging. General Degollado has been received by the army as commander-in-chief, and was at Sun Luis organizing his forces, which amount in all to about

organizing his forces, which amount in 12,000.

A movement against the city of Mexico will be undertaken as soon as possible.

The base of his operations will be San Luis, Guanajuato and Morelia.

The result of Mr. Lerdo's negotiations in the United States were looked for with some interest by the leaders the state were looked for with some interest by the leaders.

The result of Mr. Lerdo's negotiations in the Childer States were looked for with some interest by the leaders of the liberal party.

Dr. Smith, an American residing at Acapulco, had ref turned from the United States, having negotiated a loan o fifty thousand dollars for Gen. Alvarez.

Hitchcock, of New York, was in Vera Cruz, attempting to make a contract for the immense mass of old iron there, and which has long been a tempting morsel for the speculators.

TELEGRAPHIC.

Washington, Sept. 12, 1859. Further reliable advices from Vera Cruz, dated the 31st of August, state that the constitutional government had paid the full amount of the French claims out of the cushands of M. Gabriac, the French Minister, who has failed to distribute it in the manner provided in the convention. There was reason to believe in official quarters that he in tended to invest it in a private enterprise with Miramon. Much indignation continues to be expressed against him

The New Orleans Picayune of Monday is received. It contains the following Mexican intelligence:—
At the latest dates there had not been a single case of

vomito at Vera Cruz

and in consequence of this numerous desertions had taken The Progresso speaks of Mr. McLane as having a high sense of honor and friendly feeling toward the Mexican

The U. S. Secretary of Logation, was left in charge of

Business at Magatlan was unusually good. On the 15th of July five large American vessels were in port.

Our Bermuda Correspondence.

St. Grorges, Bermuda, Sept. 6, 1859.
Summer Vegetation—Military Changes—The British Troop
Ship Himalaya—Her Great Capacity—The Brig Jachin, de., de.

Since my last, in July, the little world in which we move has been exceedingly quiet and uninteresting. Our sum-mer has been exceedingly favorable and pleasant, and vegetation is now as green and vigorous as in spring. This is owing to the occasional rains which have faller all through the summer. Invalids from your part of the world think our climate perfection.

Our little community at this part of the island is on the

eve of much excitement, arising from change of troops the Twenty-sixth regiment (Cameronians) now stationed the Twenty-sixth regiment (Cameronians) now stationed here being about to be relieved by the Thirty-inith regiment from Quebec, and their introduction to Bermadian society will be characterized by horse races, regattav, theatricials and balls. The steam troop ship Himitays, which is to convey them here, is also looked forward to with much interest, on account of her large size; she is capable of accommodating two regiments of infantry, with all their et ceteras of wives, children and baggage. Two hundred and forty convicts whose service has nearly expired also go home in the Himstaya.

The brig Jachin, Lunt, which put in at Hamilton on the 7th uit, leaky, is still in port undergoing repairs. No other American vessels in either port.

Canadian View of the San Juan Question.

From the foronto Globe, Sept. 9.]

From the documents which are published elsewhere our readers will obtain some notion of the merits of the controversy about the island of San Juan. We cannot help saying that the government of Mr. Bochanan has taken an entirely unwarranted stop in seizing upon the island, General Harney acted, it appears, under orders from Washington. But for the wise interference of Admiral Baines, in command of the British fleet, it is said that Governor Douglas would have ordered the American force to be driven out of the island, a work which he would have had no difficulty in performing. The American sadmit this, but talk of a force of miners from California retaking the island. They forget that, supposing it possible 6 collect such a force, it would have to puse the British fleet before landing out the Island, a feat not easy of accomplishment. The American government have reason to repoice at the pradence of the British commander Blood might have been spik, the stains of which years would not have effaced. It is said that the negotations have begin delayed by Great British is quite evident that that is only an excuse. A warning of the intention to seize the island would have forced on the magnitudes of the island would have forced on the magnitudes is of very trilling importances, but it has been because of county complicated by the folly of General Cass.

AFFAIRS IN CURA.

HAVANA, Sept. 2, 1869.
of the Herald in Cuba—R is the Resort of Ship nfluence of the Herald in Cuba—R is the Resort of Ship-masters, Merchants, Financiers and Ladies in Distrest or Pleasure—The Money Market and Bank of Havana— New Postal Rules and Independent Letter Carriers—Opera and Theatrical Preparations—The Aurora Borealis as Seen in the City—British Rewards for Humanity at Sea— A Noble Request—A Newspaper Agency Opened—Rains and Bad Health—Sugar Market, Freights and Exchange Rates—A New Staff of Custom House Leeches from

dresser of all the wrongs that occur. Is a Cuban oppressed and can write our vernacular, he sends you an account of cation in your columns he has obtained ample satisfaction.

Is a merchant fined and made to pay double duties by the customs for having in his entry at the Custom House stated the quantity of an article he has imported from the columns of the paper; and one has but to be known by paid that can be imagined.

Knowing as I do the great and very general influence the Herald exercises here in Cuba, and that it is looked upon universally as the only source where wrongs inflicted here are sure to meet the public eye, and perhaps obtain redress, I have no hesitation in again thus early recurring to the wretched tightness of the money market, and to point out a remedy for the evils that do so beset com-

to point out a remedy for the evils that do so beset commercial men here.

In my last letter I mentioned the fact of the Spanish Bank of Havana increasing the specie in its vaults, and of there being at least four millions in the public treasury. Now, were the Spanish Bank of Havana, as it should be, entrusted with the safe keeping of the moneys now deposited in the public treasury, and thus rendered somewhat similar in character to the Bank of England, it would be enabled to expand and relieve the pressure upon the money market, which at this time langs like a clog upon the neck of commerce, bending it down as it were to the earth.

I fear there was an error in the figures in my last letter. The actual increase of specie and notes—bills payable on demand in specie—last week over the preceding one was \$2,686,692.85. Let these things be done, and my head to a metho (sixpence) everything will then go on in our commercial world swimmingly.

The Gaceta of the 28th contains a prolix circular from the Postmaster General to the several postmasters of the Island. [Published already in the Harath—Ed. Harath.] If it be desired this rule should be strictly carried out, then the tax of twelve and a half cents now imposed for the bare delivery of a newspaper from the Post Office must be reduced to a reasonable amount, otherwise it may be safely assumed that nineteen-twentieths of the newspapers received at this port will find their way to the owner's hands without troubling the Post Office dicals. Again, it will be found requisite to deliver the papers to their address within a few hours after they have reached the Post Office, and not detain them, as I have frequently known to be the case, three or four weeks, and then, when the "nows" they contain has become "flat, stale and unpreditable," deliver them to the party to whom they are addressed, and compel him by force to receive and pay the enormous postage charged on old newspapers, as once happened to a friend of mine, who, meeting the postman in the street, was handed a

after the postman met my friend in the street, and taking from his pocket the letter of complaint, thrust it under his nose with a sneering remark.

But I return to the circular. Another rule says:—Letters brought from the United States or Indies (Mexico), will be paid for at the Post Office at the rate of a cent, each, and two cents will be paid for each letter brought from any other country. This is an improvement. I have frequently heard shipmasters who have brought heavy mads complain that the Post Office would not pay for letters so delivered to it.

Senor Aleazar, late administrador of the Teatro Tacon, proceeded to your city on the 29th to endeavor to collect an Italian Opera Company to appear at the above named house, so there will be no lack of anusement in this city next winter; the Spanish Opera Company of whose personnel I sent you in a recent letter a full account; Maretzek's Italian Opera Company at the Villanueva, and Senor Aleazar's at the Tacon, either alternating with the Spanish Company or succeeding them. Well, they say "opposition is the soul of trade," and though the profession of an empressario cannot be called a trade any more than professors of the divine art can be considered as mechanics, yet, if this opposition renders that humanizing, civilizing entertainment, the Opera, cheaper in this city next winter, I shall rejoice at it; and if there be rival prime dome won't we get up a furore, or rather two or three of them, that would startle you of the cold North, and cause you to set us down as sheer mad persons; but still there is a "method in our madness," and I would defy the most stad, music haing (if there be one) employ of the entire editorial corps of the Hanata office, to

still there is a "method in our maintess," and I would defy the most staid, music hating (if there be one) employe of the entire editorial corps of the Haran office, to reside in this city during the Opera season without becoming a wee bit "touched."

I translate the following interesting account of an aurora borealis that was visible in this city a few nights ago, from a communication published in the Diario de la Marina of the 36th uit, condensing as much as is consistent with a full description:—

ago, from a communication published in the Diario de la Marina of the 30th uit, condensing as much as is consistent with a full description:—

About nine o'clock in the evening of the 28th uit, there appeared between the N. E. and N. W. portions of the heavens a beautiful light, at first of a pink color, whose clevation reached the polar. Shortly after it diminished in height, and then soon again elevated itself, but was of a leas bright color, and remained steady, with occasional elevation and declension. It diminished in its intensity very gradually from the base to the top, and became a Ritle broken from the N. E. to the N. W. until half-past nine, when it returned to its former firm state at the N. E., and the central part fixed itself at the very north. It completely disappeared at ten o'clock, leaving the space is had occupied whiter and more luminous than any other part of the heavens.

It appeared again about one o'clock in the morning, fixing itself entirely in the north, and ascending ashitch as the polar. Between of the past of the past of the past of the polar is a present and disappeared several consecutive time, and ascending ashitch as the polar. Between occurrence of the past of the polar is a present of the past of the polar is a present of the polar is a production of the polar is commenced to move towards the northwest. At a quarter to two it again diminishing at intervals. At the same hour it commenced to move towards the northwest. At a quarter to two it again diminished in intensity, going nearer to the northwest, the vertical belia disappearing. At five minutes atter both disappeared at the west reddish. Five minutes after both disables changed color, the one that was white becoming red, and the one that was red becoming white. At an minutes past two both disappeared, teappearing three min

after this, and five minutes after (a quarter past four) the whitish belts made their last appearance; then the red belts appeared, celipsing the white ones.

Daylight ensued about this time. Such a phenomenon has never before been witnessed in these latitudes. Old saits imagine it foretells a coming hurricane. What is the opinion of the Sage of Brooklyn Heights? After the next two months have passed by should any of us be spared until then, I suppose we shall have his opinion.

The British government has remitted twenty pounds sterling to each of the Spanish fishermen, Juan Oreiţian and Pedro Almestequi, who picked up at sea and carried into Trinidad de Cuba, last year, the boat in which were Commander Scott and other officers of the wrecked British guiboat Jasseur.

Don Frederica Kern is appointed Prussian Consul in this city during the absence of Don Mauriclo Steen.

Ten thousand dollars bequeathed by the Cuban patriot Francisco de la O'Garcia, recently deceased, is to be invested at interest for the support of a white male orphan school at Matanzas; a bazaar is to be held at that city on 3d November next, the profits of which are to be devoted to the same purpose.

The fourth battalion of Voluntarios has obtained the permission of his Excellency the Captain General to select the Holy Virgin, under the sacred advocacy of charity, as its tutelar saint.

A periodical agency at which single copies of magazines and newspapers from the municipal cities of the United States, the Hirard of course included, has been established at No. 63 Calle del Obispo, in this city. We have long needed such an establishment, and I doubt not but that it will do a thriving trade.

We continue to have heavy rains daily. Public health not improving.

not improving.

The sugar market has been rather more active the last two or three days, D.S. No. 12 being held firmly at 7% to 8 reals per agrobe. Nothing doing in muscovado sugar or molasus.

molasses.

Small vessels to load for Europe at 52s, 6d, to 60s, per ton are beginning to be wanted. Constwise nothing offering. Exchanges very dull. I quote sterling 14 to 15 per cent premium, New York (60 day bills), 2½ to 5 per cent premium, New Orleans (short), 4½ to 5½ per cent premium.

A new staff of the chief officials of the Gustom House of this city has been appointed by the Queen. The pre-

THE TERRITORIAL SLAVERY QUESTION.

Reply of Judge Black, Attorney General of the United States.

Late "Popular Sovereignty" Manifesto of Bar. Douglas.

The "Little Giant" Beaten with His Own Weapons,

PREFATORY NOTE.

The writer of these "observations" waited a few days after the appearance of Harper's Magazine for September, in the confident expectation that somebody with more leisure and greater ability, would fully express the almost not put the writer's name to it? Because the truth or falsehood of what is written does not depend on the name or character of him who wrote it. Ite libellum! Let i

Washington, Sopt. 7, 1859.

Every one knows that Mr. Douglas, the Senator from Illinois, has written and printed an elaborate essay, comprising thirty-eight columns of Harper's Magazine, in which he has undertaken to point out the "dividing line between federal and local authority." Very many persons have glanced over its paragraphs to catch the leading ideas without loss of time, and some few have probably read it with care.

does without loss of time, and some few have producted with care.

Those who dissent from the doctrines of this paper owe to its author, if not to his arguments, a most respectful answer. Mr. Douglas is not the man to be treated with a disdainful silence. His ability is a fact unquestioned, his public career, in the face of many disadvantages, has been uncommenly successful; and he has been for many years a working, struggling candidate for the Presidency. He is, moreover, the Corypheus of his political sect—the founder of a new school; and his disciples naturally believe in the infallible verity of his words as a part of their faith.

classes, and describes them as follows:—

First. These who believe that the constitution of the United States neither establishes nor prohibits slavery in the States or Territories beyond the power of the people legally to control if, but 'leaves the people thereof perfectly free to form and regular the constitution of the United States.' Second. Those who believe that the constitution establishes slavery in the Territories, and withholds from Congress and the Territorial Legislature the power to control it, and who insist that, in the event the Territorial Legislature fails to enset the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority and furnish such protection.

the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority and furnish such protection.

Third. Those who, while professing to believe that the constitution establishes alsavery in the Territories beyond the power of Congress or the Territorial Legislature to control it, at our control it, and the constitution establishes alsavery in the Territories without any law upon the subject.

We give Mr. Douglas the full benefit of his own statement. This is his mode of expressing those differences, which, he says, disturb the harmony and threaten the integrity of the American democracy. These passages should, therefore be most carefully considered.

The first class is the one to which he himself belongs, and to both the others he is equally opposed. He has no right to come between the second and third class. If the difference which he speaks of does exist among his opponents, it is their business, not his, to settle it or light it out. We shall therefore conline ourselves to the dispute between Mr. Douglas and his followers on the one hand, and the rest of the democratic party on the other, presuming that he will be willing to observe the principle of non-intervention in all matters with which he has no concern.

We will invert the order in which he has discussed the

We will invert the order in which he has discussed the subject, and endeavor to show—

1. That he has not correctly stated the doctrine held by

his opponents; and
2. That his own opinions, as given by himself, are

2. That his own opinions, as given by himself, are altogether unsound.

I. He says that a certain portion of the democratic party believe, or profess to believe, that the constitution establishes slavery in the Territories, and insist that it is the duty of the judiciary to maintain it there without any law on the subject. We do not charge him-with any intention to be unfair, but we assert that he has, in fact, done wrong to, probably, nineteen-twentieths of the party by attempting to put them on grounds which they never chose for themselves.

The constitution certainly does not establish slavery in the Territories, nor anywhere else. Nobody in this country ever thought or said so. But the constitution regards as sacred and inviolable all the rights which a citizen may legally acquire in a State. If a man acquires property of any kind in a State, and goes with into a Territory, he is not for that reason to be stripped of it. Our simple and plain proposition is that the legal owner of a slave or other chattel may go with him mto a federal Territory without forfeiting his title.

Whe depends the truth of this and upon what ground

iem.

1. It is an axiomatic principle of public law, that a ght of property, a private relation, condition or status, right of property, a private relation, condition or status, lawfully existing in one State or country, is not changed by the mere removal of the parties to another country unless the law of that other country be in direct conflict with it. For instance: A marriage legally solemnized in France is binding in America, children born in Germany are legitimate here if they are legitimate there; and a merchant who buys goods in New York according to the laws of that State may carry them to Illinois and hold them there under his contract. It is precisely so with the status of a negro carried from one part of the United States to another: the question of his freedom or servitude depends on the law of the place where he came from, and depends on that alone, if there he no conflicting law at the place to which he goes or is taken. The federal constitution therefore recognises slavery as a legal condition wherever the local governments have chosen to let it stand unabolished, and regards it as illegal wherever the laws of the place have forbidden it. A slave being property in Virginia, remains property, and his master has all the rights of a Virginia master wherever he may go, so that he go not to any place where the local law comes in conflict with his right. It will not be pretended that the constitution itself furnishes to the Territories a conflicting law. It contains no provision that can be tortured into any semblance of a prohibition.

2. The dispute on the question whether slavery or freedom is local or general is a mere war of words. The black race in this country is neither bond nor free by virtue of any general law. That portion of it which is free is free by virtue of some local regulation, and the slave owes service for a similar reason. The constitution and laws of the United States simply declare that everything done in the premises by the State governments is right, and they shall be profected in carrying it out. But free negroes and slaves may both find themselves outside of any State priselet of the state

the constitution above 36 deg. 30 min., as below; and all agreed that the mere absence of a restriction did, in fact, make it havful below the compromise line.

6. It is right to learn windom from our ensemies. The republicans do not point to any express provision of the constitution, nor to any general principle embraced in it, nor to any established rule of law, which sustains their views. The ablest men among them are driven by stress of necessity to hunt for arguments in a code unrevealed, unwritten and undedned, which they put above the constitution or the Bible, and call it "higher law." The ultra abolitionists of New England do not deny that the constitution is rightly interpreted by the democrats, as not interfering against slavery in the Territories; but they disdain to obey what they prenounce to be "an agreement with death and a covenant with hell!"

7. What did Mr. Douglas mean when he proposed and voted for the Kansas-Nebraska bill repealing the Missouri restriction? Did he intend to tell Southern men that, not withstanding the repeal of the prohibition, they were excluded from those Territories as much as ever? Or did he not regard the right of a master to his slave perfectly good whenever he got rid of the prohibition? Did he, or anybody else at that time, dream that it was necessary to make a positive law in favor of the slaveholder before he could go there with safety? To ask these questions is to answer them? The Kansas-Nebraska bill was not meant as a delusion or a snare. It was well understood that the repeal alone of the restriction against slavery would throw the country open to everything which the constitution recognized as property.

We have thus given what we believe to be the opinions held by the great body of the democratic party, namely; that the federal constitution does not establish slavery any where in the Union, that it permits a black man to be either held in servitude or made free as the local law shall decide; and that in a Territory where no local law on the subject has bee

most important act in the public life of Mr. Douglas himself.

Mr. Douglas imputes ahother absurdity to his opponents when he charges them with insisting "that it is the duty of the judiciary be protect and maintain slavery in the Territories without any law upon the subject." The judge who acts without law acts against law; and surely no sensiment so arrocious as this was ever entertained by any portion of the democratic party. The right of a master to the services of his slave in a Territory is not against inw ner without law, but in full accordance with law. If the law be against it we are all against it. Has not the emigrant to Nebraska a legal right to the ox team, which he bought in Ohio, to haul him over the plains? Is not his title as good to it in the Territory as it was in the State where he got it? And what should be said of a judge who tells him that he is not protected, or that he is maintained in the possession of his property "without any law upon the subject?"

If. We had a right to expect from Mr. Douglas at least a clear and intelligible definition of his own doctrine. We are disappointed. It is hardly possible to conceive anything more difficult to comprehend. We will transcribe it again, and do what can be done to analyze it.

Those who believe that the constitution of the United States

again, and do what can be done to analyze it.

Those who believe that the constitution of the United States neither establishes nor probables slavery in the States or Territories beyond the power of the people legally to control it, but "leaves the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

The Constitution meither establishes nor prohibits slavery in the States or Territories. If it be meant by this that the constitution does not, proprio rigore, either emancipate any man's slave, or create the condition of slavery, and impose it on free negroes, but leaves the question of every black man's slavia, in the Territories as well as in the States, to be determined by the local law, then we admit it, for it is the very same proposition which we have been trying to prove. But if, on the contrary, it is to be understood as an assertion that the constitution does not permit a master to keep his slave, or a free negro to have his liberty, in all parts of the Union where the local law does not interfere to prevent it, then the error is not only a very grave one, but it is also absurd and self contradictory.

The constitution neither establishes nor prohibits slavery in the States or Territories beyond the power of the people legally to control it. This is sailing to Point-no-Point again. Of course a subject, which is legally controlled, cannot be beyond the power that controls it. But the question is, what constitutes legal control, and when the people of a State or Territory are in a condition to exercises it.

The constitution of the United States * * * leaves

cannot be beyond the power that controls it. But the question is, what constitutes legal control, and when the people of a State or Territory are in a condition to exercises it.

The constitution of the United States * * * leaves the people perfectly free, * * * and subject only to the constitution of the United States. This carries us round a full circle, and drops us precisely at the place of beginning. That the constitution leaves everbody subject to the constitution, is most true. We are far from denying it. We never heard it doubted, and expect we never will. But the statement of it proves nothing, defines nothing, and explains nothing. It merely darkens the subject, as words without meaning always do.

But notwithstanding all this circuity of expression and consequent opaqueness of meaning in the magazine article of Mr. Douglas, we think we can guess what his opinions are or will be when he comes to reconsider the subject. He will admit (at least he will not undertake to deny) that the status of a negro, whether of servitude or freedom, accompanies him wherever he goes, and adheres to him in every part of the Union, until he meets some local law which changes it.

It will also be agreed that the people of a State, through their Legislature, and the people of a Territory, in the constitution which they may frame preparatory to their admission as a State, can regulate and control the condition of the subject black race within their respective jurisdictions, so as to make them bond or free.

But here we come to the point at which opinions diverge. Some insist that no citizen can be deprived of his property in slaves, or in anything else, except by the provision of a State constitution or by the act of a State Legislature, while others contend that an unlimited control over private rights may be exercised by a Territorial Legislature as soon as the earliest settlements are made.

So strong are the sentiments of Mr. Douglas in favor of the latter dectrine, that if it be not established he threatens us with Mr.

error:—
The Supreme Court has decided that a Territorial Legislature has not the power which he claims

withheld.

The right of property is sacred, and the first object of all human government is to make it secure. Life is always

withheld.

The right of property is sacred, and the first object of all human government is to make it secure. Life is always unsafe where property is not fully protected. This is the experience of every people on earth, ancient and modern. To secure private property was a principal object of Magna Charta. Charles I. afterwards attempted to violate it, but the people rose upon him, dragged him to the block, and severed his head from his body. At a still later period another monarch for a kindred offence was driven out of the country, and died a fugitive and an outeast. Our own revolution was provoked by that slight invasion upon the right of property which consisted in the exaction of a triling tax. There is no government in the world, however absolute, which would not be disgraced and endangered by wantonly sacrificing private property even to a small extent. For centuries past such outrages have ceased to be committed in times of peace among civilized nations.

Slaves are regarded as property in the Southern States. The people of that section buy and sell, and carry on all their business, provide for their families, and make their wills and divide their inheritances on that assumption. It is manifest to all who know them that no doubts ever cross their minds about the rightfulness of holding such property. They believe they have a direct warrant for it, not only in [the examples of the best men that ever lived, but in the precepts of divine revelation itself; and they are thoroughly satisfied that the relation of master and slave is the only one which can possibly exist there between the white and the black race without running both. The people of the North may differ from their fellow citizens of the South on the whole subject, but knowing, as we all do, that these sentiments are sincerely and honestly entertained, we cannot wonder that they feel the most unspeakable indignation when any attempt is made to interfere with their rights. This sentiment results naturally and necessarily from their education and

sults naturally and necessarily from their education and habits of thinking. They cannot help it any more than an honest man in the North can avoid abhorring a thief or housebreaker.

The jurists, legislators and people of the Northern States have always sacredly respected the right of property in slaves held by their own citizens within their own jurisdiction. It is a remarkable fact, very well worth noticing, that no Northern State ever passed any law to take a negro from his master. All laws for the abolition of slavery have operated only on the unborn descendants of the negro race, and the vested rights of masters have not been disturbed in the North more than in the South.

In every nation under heaven—civilized, semi-harbarous or savage—where slavery has existed in any form at all analagous to ours, the rights of the masters to the control of their slaves as property have been respected, and on no occasion has any government struck at those rights, except as it would strike at other property. Even the British Parlament, when it emancipated the West India slaves, though it was legislating for a people three thousand miles away and not represented, nover denied either the legal or the natural right of the slave owner. Slaves were admitted to be property, and the government acknowledged it by paying their masters one hundred millions of dollars for the privilege of setting them free.

Here then is a species of property which is of transcendent importance to the material interests of the Southwhich its people of that region think it right and meritorious in the eyes of God and good men to hold—which is sanctioned by the general sense of all markind among whom it has existed—which was legal only a short time ago in all the States of the Union, and was then treated as sacred by every one of them—which is guaranteed to the owner as much as any other property is guaranteed to the owner as much as any other property is guaranteed to the owner as much as any other property.

This proposition is so plain, so well es

States government, upon whose pleasure it is dependent for its very existence—in whom it lives and moves and has its being—who has made and can unmake it with a breath.

Where does this sovereign authority to deprive men of their property come from? This transcendent power, which even despots are cautious about using, and which a constitutional monarch never exercises—how does it got into a Torritorial Legislature? Surely it does not drop from the clouds; it will not be contended that it accompanies the settlers, or exists in the Territory before its organization. Indeed it is not to the people, but to the government of a Territory that Mr. Douglas says it belongs. Then Congress must give the power at the same time that it gives the Territorial government. But not a word of the kind is to be found in any organic act that ever was framed. It is thus that Mr. Douglas' argument runs itself out into nothing.

But if Congress would pass a statute expressly to give this sort of power to the Territorial government, they still would not have it; for the federal government itself does not possess any control over men's property in the Territories. That such power does not exist in the federal government needs no proof: Mr. Douglas admits it fully and freely. It is, besides, established by the soloma decision of Congress, by the assent of the Executive, and by the direct ratification of the people acting in their primary capacity at the polls. In addition to all this, the Supreme Court have deliberately adjudged it to be an unalterable and undensible rule of constitutional law.

This acknowledgment that Congress has no power, authority, or jurisdiction over the subject, literally obliged Mr. Douglas to give up his doctrine, or eise to maintain it by asserting that a power which the federal government does not possess may be given by Congress to the Territorial government. The right to abolish African slavery in a Territory is not granted by the constitution to Congress; it is withheld, and therefore the same as if expres

triel. If Congress passes an act to hang a man without trial, it is void, and the Judges will not allow it to be exexecuted; but the power to do this prohibited thing can be constitutionally given by Congress to a Territorial Legislature!

We admit that there are certain powers bestowed upon the general government which are in their nature judicial or executive. With them Congress can do nothing, except to see that they are executed by the proper kind of officers. It is also true that Congress has certain legislative powers which belonged to either of these classes, but about a legislative jurisdiction totally forbidden to the federal government, and incapable of being delegated for the simple reason that it does not constitutionally exist.

Will anybody say that such a power ought, as a matter of policy, or for reasons of public safety, to be held by the provisional governments of the Territories? Undoubtedly no true patriot, nor no friend of justice and order, can deliberately reflect on the probable consequences without deprecating them.

This power over property is the one which, in all governments, has been most carefully guarded, because the temptation to abuse it is always greater than any other. It is there that the subjects of a limited monarchy watch their king with the greatest jealousy. No republic has ever failed to impose strict limitation upon it. All free people know that if they would remain free they must compel the government to keep its hands off their private property; shall not be taken for public use without just compensation." It is universally agreed that this applies only to the exercise of the power by the government have the land. But if the Territorial governments have this power, then they have it without any limitation whatsoever, and in all the fulness of absolute despotism. They are completed to the remaining property except by due process of law, and what 'private property except of the private propers is right, those governments have this power, then they have it without any l

There is another consideration which Mr. Douglas should have been the last man to overlook. The present administration of the federal government, and the whole democratic party throughout the country, including Mr. Douglas, shought that in the case of Kansas, the question of retaining or abolishing slavery should not be determined by any representative body without giving otherwise the state of the people an opportant of the country of t